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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMITTEE ON JOBS CANDIDATE
ADVOCACY FUND, et al.,

Plaintiffs,

vs.

DENNIS J. HERRERA, in his official
capacity as City Attorney of the City and
County of San Francisco, et al.

Defendants.

Case No. C07-3199 JSW

**JOINT STATUS REPORT;
~~PROPOSED~~ ORDER**

JOINT STATUS REPORT

Pursuant to the Joint Status Report filed August 20, 2010 (Dkt. 65) and the Order filed August 23, 2010 (Dkt. 66), Plaintiffs Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure PAC (collectively, “Plaintiffs”), and Defendants Dennis J. Herrera, Kamala D. Harris, the Ethics Commission of the City and County of San Francisco, and the City and County of San Francisco (collectively, “Defendants”), jointly file this Status Report.

In this case, Plaintiffs contend that Sections 1.114(c)(1) and 1.114(c)(2) of the San Francisco Campaign Finance Reform Ordinance (“CFRO”), codified in the San Francisco Campaign and Governmental Conduct Code, and Regulation 1.114-2 of the Regulations to the CFRO, violate the First Amendment to the United States Constitution by imposing limits on contributions to political committees for the purpose of making independent expenditures. The Court granted Plaintiffs’ motion for preliminary injunction on September 20, 2007 (Dkt. 37), and that order has remained in effect since then pursuant to a series of stipulated orders. At the parties’ request, the Court stayed the litigation while the Ninth Circuit Court of Appeals considered a case presenting similar issues, *Long Beach Area Chamber of Commerce et al. v. City of Long Beach* (“*Long Beach*,” USCA Dkt. 07-55691). As described in the parties’ May 12, 2010 status report (Dkt. 61), the Ninth Circuit issued an opinion in *Long Beach* in April 2010, holding that the contribution limit in that case was unconstitutional as applied to some of the plaintiffs, and that the remaining plaintiff lacked standing to challenge the law. *See* 603 F.3d 684 (9th Cir. 2010), *cert. denied*, 79 U.S.L.W. 3176 (U.S. Oct. 4, 2010).

In light of the Ninth Circuit’s decision, counsel for Plaintiffs and Defendants initiated discussions regarding potential settlement over the summer. Those discussions have continued since the filing of the August 20 status report, and are currently proceeding in earnest. The parties continue to believe that settlement discussions could be fruitful. Negotiations will continue to be time-consuming in part because any settlement of this matter would likely require approval of the organizational plaintiffs and the San Francisco Board of Supervisors and Ethics Commission. For

1 that reason, the parties have agreed that an extension of the current stay until February 11, 2011
2 should allow them sufficient time to pursue the possibility of settlement.

3 During that period, the parties agree that it would be most efficient and would best preserve
4 the interests of judicial economy to continue the current stay. Subject to agreement by this Court, the
5 parties agree that, by no later than February 11, 2011, they will meet and confer to discuss how best
6 to proceed with this case and submit a joint status report or request for a case management
7 conference. The parties agree that no case management conference is necessary at this time.

8
9 Dated: November 5, 2010

10 THERESE M. STEWART
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12 WAYNE SNODGRASS
13 JONATHAN GIVNER
14 TARA M. STEELEY
15 Deputy City Attorneys

16 By: /s/ Jonathan Givner
17 JONATHAN GIVNER
18 Attorneys for Defendants

19 Dated: November 5, 2010

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25 *By: /s/ Marc H. Axelbaum
26 MARC H. AXELBAUM
27 Attorneys for Plaintiffs

28 *Pursuant to GO 45, the electronic signatory has
obtained approval from this signatory.

~~PROPOSED~~ ORDER


Pursuant to the agreement of the parties set forth in the foregoing Joint Status Report, and good cause appearing, IT IS HEREBY ORDERED that:

1. Unless otherwise ordered by the Court, the Order Granting Plaintiffs' Motion for Preliminary Injunction (Dkt. 37) and the Stipulation and Order Staying Litigation entered by the Court on October 26, 2007 (Dkt. 51) shall remain in effect.

2. By February 11, 2011, the parties shall meet and confer and submit a joint status report or request for a case management conference. At that time, the stay shall be lifted and the case will proceed or be settled.

IT IS SO ORDERED.

November 5, 2010
Dated: _____



Hon. Jeffrey S. White
United States District Judge